IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 16149 of 2004

Between:

1 C.A.Shankar, S/o.C.B.Anjaiah,
H.NO.208, Lalbazar, Trimalghery, Secunderabad-15.
2 R.Bikshapathi, S/o.Somalingam,
H.No.144, Sastrinagar, Trimalgherry, Secunderabad.-15.

..... PETITIONERS

AND

1 Govt. of A.P., Revenue (Excise II) Dept. Secretariat,

Hyderabad, rep.by its Prl.Secretary.
2 Commissioner of Prohibition & Excise, A.P.Hyderabad-500001.
3 The Prohibition & Excise Superintendent / Functional Registrar

of Toddy Cooperative Societies,
Hyderabad District.
4 Prohibition & Excise Inspector SHO, Secunderabad.
5 Toddy Tappers Coop. society Ltd., Trimalgherry Bazar,

Secunderabad, rep.by its President

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly in the nature of writ of (i) guideline NO. 4(b)(i) & (iii) of the Excise (Toddy) policy guidelines for the period from 1-10-2003 to 30-9-2004 prescribed in GO Ms. No.998 Revenue (Excise II) Dept. dt.1-10-03 as also the consequential circular instructions dt.11-10-2003 & 6-12-2003 issued in Cr.No.15401/2003/CPE/E1 of the 2nd respondent i.e. The Commissioner prohibition & Excise A P Hyderabad in so far as the above guide line, as without jurisdiction, contrary to provisions of A P Coop Societies Act 7 of 1964 and Rules framed thereunder arbitrary, without application of mind and abuse of process of law,

besides being violative of the cardinal principles of natural justice ii) and consequently set-aside the resolution No.1 dt.18-7-2004 passed at the General Body meeting of the Toddy Tappers Cooperative society Ltd., Trimalgherry Bazar, Secunderabad.

Counsel for the Petitioner: MR.D.V.BHADRAM

Counsel for the Respondent Nos.1 to 4: GP FOR PROHIBITION & EXCISE

This Court at the stage of admission made the following:

ORDER:

Learned counsel for the petitioners submitted that the subject matter of this writ petition has become infructuous.

Recording the same, the writ petition is dismissed as having become infructuous.

25.04.2005

dr/tvr

To

1 The Principal Secretary, Govt. of A.P., Revenue

(Excise II) Dept. Secretariat, Hyderabad,.

2 The Commissioner of Prohibition & Excise, A.P.Hyderabad-500001.

3 The Prohibition & Excise Superintendent / Functional Registrar

of Toddy Cooperative Societies,
Hyderabad District.

4 The Prohibition & Excise Inspector SHO, Secunderabad.

5 The President, Toddy Tappers Coop. society Ltd., Trimalgherry Bazar,

Secunderabad.

6 2 CCs to Government Pleader for Prohibition and Excise,

High Court Buildings, Hyderabad. (OUT)

7 2 CD copies